

Message

From: Pierard, Kevin [pierard.kevin@epa.gov]
Sent: 7/24/2018 9:48:16 PM
To: Holst, Linda [holst.linda@epa.gov]; Baltazar, Debbie [baltazar.debbie@epa.gov]
Subject: FW: WaterLegacy Petition for Supplemental EIS for the PolyMet NorthMet Project & Land Exchange
Attachments: WaterLegacyPetitionforSEIS_PolyMetNorthMet(July 18, 2018).pdf;
WaterLegacyCoverLtrPetitionforSEIS_PolyMetNorthMet(July 18, 2018).pdf; MCEA response letter from MnDNR 07.11.2018.pdf

Fyi only – Ken’s message summarizes the petition

From: Westlake, Kenneth
Sent: Thursday, July 19, 2018 9:47 AM
To: Walts, Alan; Sedlacek, Michael; Kenney, Thomas
Subject: FW: WaterLegacy Petition for Supplemental EIS for the PolyMet NorthMet Project & Land Exchange

Please read. This Water Legacy petition to the co-lead agencies raises some issues that the other environmental NGOs’ (Minnesota Center for Environmental Advocacy, Center for biological Diversity, and Friends of the Boundary Waters) petition raised, regarding whether the company’s 3/18 technical report contemplating possible expansion scenarios constitutes reasonably foreseeable actions that should be analyzed in a Supplemental EIS.. MnDNR considered whether possible expansion constituted reasonably foreseeable actions warranting a Supplemental EIS, and denied that other petition, saying that the co-leads’ existing EIS was adequate for MnDNR to use in processing the current permit applications. (I’ve attached MnDNR’s denial letter to MCEA et al.). MnDNR is evaluating the permit applications submitted by PolyMet, which are silent as to any possible future expansions. The Forest Service and the Corps have not, to my knowledge, responded to the other NGOs’ petition.

Water Legacy’s petition also focuses on changes to the existing project reflected in the permit applications subsequent to the FEIS. Those post-FEIS changes cited by Water Legacy include changes to the tailings basin reinforcement, elimination of some water treatment elements, increases in water consumption, and changes to the proposed wetland mitigation plans. NEPA compliance rests with the federal lead agencies, and it is up to them whether to supplement or not, and to defend their decisions.

Ken

From: Paula Maccabee [<mailto:pmaccabee@justchangelaw.com>]
Sent: Wednesday, July 18, 2018 7:14 PM
To: tom.landwehr@state.mn.us; Douglas.W.Bruner@usace.army.mil; r9_superior_NF@fs.fed.us; dave.frederickson@state.mn.us; Westlake, Kenneth <westlake.kenneth@epa.gov>; nancyschuldt@fdlrez.com; mwatkins@grandportage.com; cchavers@boisforte-nsn-gov <cchavers@boisforte-nsn-gov.domain.invalid>; john.stine@state.mn.us
Subject: WaterLegacy Petition for Supplemental EIS for the PolyMet NorthMet Project & Land Exchange

Dear Co-Lead Agencies and Cooperating Agencies,
Attached with this email, please find WaterLegacy’s Petition for a Supplemental Environmental Impact Statement (EIS) for the PolyMet NorthMet Copper-Nickel Mine Project and Land Exchange, along with its cover letter.

The Petition and cover letter were mailed to you today, along with supporting Exhibits provided on a recordable disc.

We would appreciate an email confirming your receipt of this Petition for a Supplemental EIS.
Please also let us know when you receive the mailed copy of our Petition and Exhibits and if there is any difficulty in opening the documents on the disc.
Sincerely yours,

Paula Maccabee, Esq.

Advocacy Director/Counsel for WaterLegacy

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